IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4673 OF 2005

Sou. Usha Uddhav Kshirsagar. .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

Mr. V.A. Thorat i/by D.V. Sutar

for Petitioner.

Mr. S.K. Chinchlikar, AGP., for Respondents 1 to 4.

Mr. Nitin Jamdar for R. No. 5.

..

Coram: J.N. PATEL, J.

Date: 26th July, 2006.

P.C.

. Heard.

2. The petitioner has impugned the order dated 28.7.2003 passed by the Divisional Commissioner, Pune Division, Pune who admitted the revision application preferred by the petitioner-purchaser but was not inclined to grant stay as he was satisfied that this was not a fit case where stay should be granted. The

learned counsel for the respondent-owner submits that he has not parted with the possession of the land and that the sale deed was sham and bogus and arising out of money lending transaction and he continues to cultivate the land. Further it is submitted that he is prepared to return the money due, if any, to the petitioner. This aspect will have to be considered when the Divisional Commissioner would take up the revision for hearing. This Court does not find that the discretion exercised by the Divisional Commissioner is beyond his jurisdiction or perverse. Therefore, there is no merit in the challenge. Petition is dismissed. All interim orders passed prior to this date, stand vacated. It will be open for the parties to move the Divisional Commissioner for expeditious hearing of the revision application which shall be considered sympathetically.

(J.N. Patel, J.